The attached document is a draft section for the Bureau of Drinking Water and Groundwater's Private Water Supply Operations Handbook, regarding "Policy and Code Interpretations". This guidance was developed to clarify language in NR 812, Wis. Adm. Code, resulting from October 2014 code revisions, and provide direction to staff to ensure consistent implementation of the state's Well Construction and Pump Installation regulations. The guidance can also be used by industry and the public to understand the requirements implemented by WDNR staff.

The attached draft guidance was made available to DNR staff for their input, and approved by the Drinking Water and Groundwater Management Team. The Department is now soliciting comments from external stakeholders, including well drillers, pump installers and certified laboratories. Once the 21-day public input period is complete, all comments will be considered, revisions will be made to the guidance document as needed, and final guidance will be issued.

Please send any comments related to this draft guidance document to Liesa Lehmann, Private Water Supply Section Chief, Bureau of Drinking Water and Groundwater at:

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C. Policy and Code Interpretations

Occasionally code language is unclear, and a consistent department interpretation is needed to implement the code effectively until the lack of clarity can be addressed by a code revision. The following code interpretations will be implemented until revisions to the applicable codes are in effect.

1. NR 812.08(4), Wis. Adm. Code - Separation distances.

Separation distances are inconsistent between the code narrative and Table A for six contaminant sources listed in NR 812.08(4). To reconcile the inconsistencies, the separation distances will be implemented as described in the table below.

Code Citation	Separation Distance in NR 812.08 text	Separation Distance in NR 812.08 Table A	Separation Distance to be Implemented
NR 812.08(4)(a)12.	8' from Plastic silage storage and transfer tube	8' from Plastic silage storage and transfer tube and 50' from Silage storage tube (plastic)	50' from either Plastic silage storage and transfer tube or Silage storage tube (plastic)
NR 812.08(4)(a)18.	8’ from a buried storm collector sewer or stormwater culvert	8’, 25’ or 50’ from storm collector sewer depending on material and diameter	8’ from any buried storm collector sewer
NR 812.08(4)(b)2.	25' from wastewater sump	8' from Sump - Wastewater (Watertight) (formerly cast iron equivalent) and 25' from Sump - Wastewater (not watertight or equivalent to cast iron)	8' from Sump - Wastewater (Watertight) (formerly cast iron equivalent) and 25' from Sump - Wastewater (not watertight or equivalent to cast iron)
NR 812.08(4)(e)	200’ between a school well and a soil absorption unit receiving less than 8,000 gallons per day, existing or abandoned	200’ from Soil Absorption Unit (<12,000 gal./day) for schools, includes alternate unit	200’ between a school well and a soil absorption unit receiving less than 12,000 gallons per day, includes alternate unit
NR 812.08(4)(f)3.	250' from Soil absorption unit receiving more than 8,000 gallons per day, existing, abandoned or alternate	250’ from Soil Absorption Unit (> or = 12,000 gal./day, existing or abandoned)	250' from Soil absorption unit receiving 12,000 or more gallons per day, existing or abandoned
NR 812.08(4)(f)4.	250' from a Sludge landspreading or drying Area	25' recommended	25' recommended from a Sludge landspreading or drying area

2. NR 812, Wis. Adm. Code – Sample handling and analysis.

Sections NR 812.10(11), NR 812.22(6), NR 812.27(6), NR 812.37(4), NR 812.41(3), and NR 812.44, Wis. Adm. Code, all require that well water samples be analyzed by a laboratory certified for analysis of drinking water. The sample preservation and handling requirements in chapter NR 812 are different than the drinking water requirements for laboratory certification in chapter NR 149, Wis. Adm. Code. Specifically, NR 812 does not require the same handling and transport protocols for private well water samples as for public drinking water systems. To reconcile the requirements of these two codes, DNR will implement the codes in the following manner with respect to private well water sampling and analysis for nitrate and/or arsenic:

- Sample preservation - A private well water sample is not required to be transported on ice. If a sample is not received on ice, the laboratory must include this comment on the sample report: "Sample not received on ice. Results cannot be used for SDWA compliance but are acceptable for NR 812 compliance."
- Sample preservation for nitrate testing – A private well water sample is not required to be acidified by the sampler prior to delivery to the laboratory. If a sample is not acidified, the laboratory must include this comment on the sample report: "Sample not preserved with acid upon collection. Results cannot be used for SDWA compliance but are acceptable for NR 812 compliance." Note – nitrate results on un-acidified samples are acceptable without comment if analyzed within 48 hours of collection. This is acceptable for both private and public drinking water systems.
- Sample delivery time - A private well water sample must be received by the laboratory within 48 hours of sampling.

An individual laboratory may choose to require sample preservation and hold times for private water well samples that are consistent with Safe Drinking Water Act requirements.

3. NR 812.13 and NR 812.17, Wis. Adm. Code – Thermoplastic casing.

NR 812.13(3)(b) was revised to allow thermoplastic casing to be left above ground without steel over-casing or pump house. NR 812.13(2)(b)6. and NR 812.17(3)(a)7. were not revised, and still state that thermoplastic casing is required to have a steel sleeve or be inside a pump house. To reconcile the inconsistencies, the code will be interpreted to allow thermoplastic casing above ground without steel over-casing or pumphouse.

4. NR 812.26, Wis. Adm. Code – Filling and sealing drillholes.

Chapter 280.30(2m), Wis. Stats., requires that heat exchange drillholes can only be filled and sealed by individuals who hold a heat exchange drilling license from the department. NR 812.26(2)(a) and (9) refer to a license being required to fill and seal a "drillhole" rather than a "heat exchange drillhole", which is defined as a broader category of drillholes in NR 812.07(33). To reconcile this inconsistency, the code will be interpreted consistent with the statute, so that the licensing requirement for filling and sealing only applies to wells and heat exchange drillholes.